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Opinion

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CONCORD, N.H.

July 25, 1958

James J. Barry
Commissioner
Public Welfare
Concord, New Hampshire

Re: Antonina Jablonski, OAA-A closed

Dear Mr. Barry:

We have your letter of July 14, 1958 in which you state that your office has collected \$502.05 as the proceeds from an assigned insurance policy on the above named deceased recipient's life from which you collected total reimbursement in the amount of \$45.00, leaving a balance of \$457.05.

You further advise that there are nine surviving children of the deceased who wish to have the balance remaining applied toward payment of the funeral expenses which amount to \$655.00.

You inquire whether it is proper for you to disburse said balance to the funeral director and, if not, to whom disbursement should be made.

We advise that the only way you can be one hundred percent safe in a situation like this is to disburse the balance to no one other than the duly appointed executor or administrator of the estate of the deceased recipient. If you pay the money over to anyone else you will run the risk of making payment to someone other than the person or persons who are legally entitled to receive it.

In this case if you are satisfied that there are no other heirs and in view of the priority given by the law to claims for funeral expenses it would seem that the risk is small. If you care to assume the risk involved I would suggest that you procure from the surviving widower, if any, and also surviving children a statement to the effect that they waive all claims to the balance remaining in your hands and request that you pay the same over to the funeral director.

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James J. Barry, Commissioner
Public Welfare

July 25, 1958

If you decide you wish to pursue this course of conduct
we will be glad to assist you in preparing a form for the heirs to
sign.

Very truly yours,

George T. Ray, Jr.
Assistant Attorney General

GTR-g